IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

THURSDAY, THE 5TH JULY 2007 / 14TH ASHADHA 1929

WP(C).No. 33438 of 2004(E)

PETITIONER:

T.MARIMUTHU D/O. THAYYAMMAL,
T.C.NO.41/219, AYIRANIMUTTOM, MANACAUD,
THIRUVANANTHAPURAM.

BY ADV. SRI.M.RAJASEKHARAN NAYAR
SRI.JOHN K.JOSEPH(SAJAN)
SMT.NITHYA.K.
SMT.MANJUSHA MOHANDAS

RESPONDENTS:
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1. SPECIAL TAHSILDAR, SREE PANDARAVAKA LAND NO.III, THIRUVANANTHAPURAM.

2. R.S.VIJAYALAKSHMI
D/O. LATE K.P.SIVASANKARA PILLAI,
T.C.37/1978, PAZHAVANGADY STREET, FORT,
THIRUVANANTHAPURAM.

3. MR.K.M.MANI, HON'BLE REVENUE MINISTER,
SECRETARIAT, THIRUVANANTHAPURAM.

BY ADV. SRI.R.S.KALKURA --- R2
GOVERNMENT PLEADER SRI. K.V. MANOJKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 05/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 33438/2004 E

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE DECREE IN OS NO. 87/85 DT. 15/10/91, ON THE FILE OF THE IIND ADDL. MUNSIFF, THIRUVANANTHAPURAM.

EXT.P2. COPY OF THE JUDGMENT IN RSA NO. 586/03 DT. 3/12/03 ON THE FILE OF THIS COURT.

EXT.P3. COPY OF THE ORDRE OF THE HON'BLE SUPREME COURT DT. 8/4/04.

EXT.P4. COPY OF THE ORDER IN RP NO. 374/04 DT. 11/8/04 ON THE FILE OF THIS COURT.

EXT.P5. COPY OF THE NOTICE NO. A3. 130/04 DT. 30/7/04 BYTHE R1 TO THE PETITIONER

EXT.P6. COPY OF THE STATEMENT FILED BY THE PETITIONER BEFORE THE R1.

EXT.P7. COPY OF THE DELIVERY LIST DT. 28/5/04.

EXT.P8. COPY OF THE PETITION BY THE PETITIONER BEFORE THE CHIEF MINISTER OF KERALA, THIRUVANANTHAPURAM DT. 1/11/04.

RESPONDENT'S EXHIBITS **NIL**

True copy

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KURIAN JOSEPH, J.

W.P. (C). NO. 33438 OF 2004

Dated this the 5th day of July, 2007.

J U D G M E N T

Petitioner approached this Court aggrieved by Exhibit P5 notice issued by the first respondent. Issue pertains to the request made by the second respondent for assignment of Government land.

2. It is the main contention of the petitioner that the request for assignment cannot be considered since the same is concluded by various judgments of various courts. Learned Government Pleader submits that it is not in respect of the concluded issue the enquiry is now made, but in respect of the area not covered by the judgment, for an extent of 890 square links.

3. Be that as it may. Since Exhibit P5 is only a notice, this Court need not go into all these questions at this stage. It will be open to the petitioner to approach the first respondent himself and convince him that the issues are not liable to be reopened in case they are covered by judgments. Therefore, this writ petition is disposed of as follows.

Petitioner may submit her objections before the first respondent within a period of two months from today. Thereafter, the matter will be duly considered by the first respondent with notice to the petitioner and second respondent and appropriate speaking orders adverting to the contentions taken by the petitioner will be passed within another four months. The interim order dated 18.11.2004 will continue till such time.

KURIAN JOSEPH, JUDGE.

smp